

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LISA MONTICCIOLO,

Plaintiff,

v.

Case No. 18-11797

CITY OF GROSSE POINTE,
CITY OF GROSSE POINTE
PUBLIC SAFETY DEPARTMENT,
and STEVEN POLONI,

HON. AVERN COHN

Defendants.

ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
(ECF No. 19)

This is an employment discrimination case. Plaintiff Lisa Monticciolo is suing defendants the City of Grosse Pointe, the City of Grosse Pointe Department of Public Safety, and Steven Poloni, the Director of Public Safety, claiming gender discrimination and retaliation relating to her failed quest to obtain a position in the Detective Bureau (DB). Assignment to the DB is within the discretion of the Director of Public Safety.

Plaintiff is the first and currently the only female public service officer (PSO) employed by the City of Grosse Pointe (City) Department of Public Safety (Department). She has been with the Department for twenty-three years and has the longest seniority of any officer. In 2010, she sued the City and Department claiming sexual harassment, hostile work environment, retaliation, and a failure to promote her to the DB. That case

settled in 2014. Since at least 2010 to the present, plaintiff has expressed as desire to be assigned to the DB. Openings in the DB arose in June of 2016 and January 2018. Poloni filled both positions with male officers.

Before the Court is defendants' motion for summary judgment. For the reasons stated on the record at the hearing on October 16, 2019, the case must be submitted to a jury. First, plaintiff has met her burden of establishing a prima facie case by producing evidence that she was qualified to be placed in the DB and was similarly situated to the males selected to the DB. Further, there are sufficient ambiguities in the record from which a reasonable juror could conclude that defendants' articulated reasons for selecting the male officers were a pretext for gender discrimination and retaliation. Accordingly, defendants' motion for summary judgment is DENIED.

The Clerk of the Court shall schedule a status conference to chart the future course of the case.

SO ORDERED.

S/ AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 10/17/2019
Detroit, Michigan